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BEFORE THE
BOARD OF PSYCHOLOGY
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

JOHN SPENCER STONE, Ph.D.
2305 Ashby Avenue
Berkeley, CA 94705-1909
License No. PSY 5217

Respondent.

Case No. W 177


OAH No. N 2000070280

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted
by the Board of Psychology as its Decision in the above-entitled matter.

This Decision shall become effective on August 10, 2001.

IT IS SO ORDERED July 11, 2001.



Martin R. Greenberg, Ph.D.
Board of Psychology
Department of Consumer Affairs

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Respondent.

PROPOSED DECISION

This matter was heard before Ruth S. Astle, Administrative Law Judge of the Office of Administrative Hearings, State of California on January 8, 22, 23, 24, 25, February 14, and April 19, 2001, in Oakland, California.

Lawrence A. Mercer, Deputy Attorney General, represented the complainant.

Robert W. Stewart, Attorney at Law, 21 Tamal Vista Boulevard, Suite 295, Corte Madera, California 94925, represented the respondent John Spencer Stone, Ph.D., who was present.

Submission of the matter was deferred to May 25, 2001, for receipt of argument, which was received and considered.

FACTUAL FINDINGS

1. Thomas S. O'Connor made the accusation in his official capacity as the Executive Officer of the Board of Psychology, State of California (Board) and not otherwise.

2. On December 1, 1977, John Spencer Stone, Ph.D. (respondent) was issued license No. PSY 5217 to practice psychology. The license is presently in good standing and in effect until its expiration on January 31, 2002. The license has not been subject to

any prior disciplinary action. Respondent was licensed at all times pertinent to the accusation.

3. On September 10, 1992, psychiatrist Robert Westfall, M.D., was appointed by the Contra Costa County Superior Court as a child custody evaluator pursuant to the Evidence Code. The child custody dispute involved petitioner M.K. (husband) and S.K. (wife). The parties had one child, L., a female child who was born on April 22, 1992. The child was less than one year old at the time of the initiation of the child custody evaluation by psychiatrist, Dr. Westfall.

4. Dr. Westfall did not typically perform psychological testing and assessment. He, therefore, retained the services of respondent for the purpose of providing psychological testing to M.K. and S.K. Respondent conducted psychological testing of both parties and the psychological assessments of both the mother and father occurred in November of 1992. While respondent was competent to perform psychological testing, he had not been involved in a child custody matter previously. The role of psychological tester was a limited one. He is to report his findings to the principal evaluator who then combines all the materials and reports to the Court.

5. Dr. Westfall submitted a summary report to the Contra Costa Superior Court dated December 22, 1992. In this report, Dr. Westfall indicated that he performed an examination of the mother on September 10, 1992, and an evaluation of the father on September 23, 1992. In his report to the Court, Dr. Westfall included his impression of the psychological testing results that were submitted to him by respondent. Dr. Westfall recommended joint legal custody with physical custody of the child to be with the mother, and with visitations between the child and father to occur three days a week for several hours a day.

6. On February 11, 1993, the Court wrote to Dr. Westfall asking that he amplify on two areas of his report. The Court requested more historical facts, including "the current allegations of the parties," and Dr. Westfall's assessment of the effect of respondent's test findings on the issue of child custody and child visitation.

7. March 3, 1993, respondent submitted his own report to the Contra Costa Superior Court. The submission of this separate report was neither requested nor authorized by the Court. It was not authorized by the test participants, either. In his report, respondent indicated that he was the psychologist "appointed" to perform psychological evaluations in the matter. In fact his role was limited to that of a consultant to the evaluator appointed by the Court, Dr. Westfall. Initially this was a negligent act on the part of respondent. He did not have enough experience in the area to know his official role. He did not take the trouble to find out how this area of the law operated. He was very careless in his handling of this matter with the Court.

8. In his report, respondent advised the Court that he and S.K.'s attorney, Robert Sanders, had already gone over the psychological test findings together. At some time prior to March 3, 1993, M.K. telephoned respondent. He was angry with both Dr. Westfall and respondent because of what was written in Dr. Westfall's December 22, 1992 report to the Court. Respondent submitted his unsolicited report to the Contra Costa Superior Court some time after he received this telephone communication from M.K. Respondent knew that he did not have M.K.'s authorization to release his raw data to anyone, especially not S.K.'s attorney.

9. In respondent's report to the Court, he quoted from the computerized version of the MCMI-II (Millon Clinical Multiaxial Inventory-II), which is a standardized personality assessment protocol that provides a measure of 22 personality disorders and clinical syndromes for adults undergoing psychological or psychiatric assessment or treatment. Respondent quoted extensively from M.K.'s test findings. Respondent went on to recommend legal custody of the infant be awarded to the mother, based partly on a child development model that postulates a mother-infant singularity. This model is not used in California for child custody matters. Respondent did not consult with any psychologist who was experienced in child custody evaluations.

10. The legal custody dispute proceeded to non-jury trial in the Contra Costa Superior Court beginning in late July of 1993. Prior to trial, on June 29, 1993, Dr. Westfall submitted a supplemental report requested by the Court in its letter to him dated February 11, 1993. In this supplemental report requested by the Court, Dr. Westfall opines that the child "L. should be in her mother's custody with regular visitation rights by the father." At the trial, respondent testified as an expert witness, called by the attorney representing S.K. In that litigation, M.K.'s attorney was Frank Frisch. Mr. Frisch had retained a psychologist, Alexander R. Nurse, Ph.D., to review and evaluate the methodologies and procedures of both Dr. Westfall's and respondent's reports to the Court. Dr. Nurse was not available to testify at this hearing.¹ On September 3, 1993, the Superior Court ordered that the parties would have joint legal and physical custody of the infant, L., with a review of the Order to occur in six (6) months. The parties were directed to engage in a six-month course of counseling with Milton P. Schaefer, Ph.D., to reevaluate the family members and to provide recommendations for a custody and parenting plan. The Court went on to say, "The evidence and opinions based on psychological testing is mixed, conflicting and not of much help to the Court."

11. On May 19, 1994, the Court ordered that the custody hearing be re-opened for the sole purpose of taking evidence from an additional custody evaluator. The Court then appointed Milton P. Schaefer, Ph.D., who had previously been assigned to provide counseling to the parties, as the Court's expert to evaluate and render a recommendation

¹ Dr. Nurse rendered a number of criticisms of both Dr. Westfall's and respondent's work in the matter. These concerns and the critique by Dr. Nurse are contained in a report, dated June 22, 1993, and Dr. Nurse also testified during the trial in the child custody dispute on August 2, 1993.

on the custody and visitation issues. The Court further ordered that Dr. Schaefer submit a written report to the Court and counsel and that counsel not communicate orally or in writing with Dr. Schaefer. On September 25, 1994, after evaluating the family, Dr. Schaefer recommended joint custody of L.

12. On April 19, 1995, S.K. made an allegation that M.K. had sexually molested L., who was approximately 3 years old at the time.

13. On September 21, 1995, the Superior Court appointed Victoria Coad, Ph.D., to investigate and evaluate the sexual abuse allegations regarding the minor child of the parties. After interviewing the parties, securing and reading all of the previously prepared reports and an extension of time to secure additional documents, Dr. Coad submitted her report to the Court and the parties on January 2, 1996.

14. On June 21, 1996, respondent signed a Declaration in Support of S.K.'s attorney's Motion for Protective Orders and Particularly, Setting Forth the Need for the Psychological Data, advising the Court, *inter alia*, that he had been requested by S.K.'s attorney to testify in the upcoming trial. Aside from criticizing the opinion and objectivity of Dr. Coad, respondent requested that the Court order that the "raw psychological data" gathered by Dr. Coad in the course of her evaluations be produced for his review so that he could substantiate or dispute the conclusions and opinions she reached. After describing his role in the matter as being in conjunction with the earliest appointed child custody evaluator and claiming the need for "...the examining evaluator [to] remain disciplined and objective in order to lead to reasonable conclusions," there is no mention in the declaration by respondent that he had already assumed another role, that of primary psychotherapeutic responsibility for the care and treatment of S.K. In September of 1995, respondent became S.K.'s personal psychotherapist and his psychotherapy with S.K. continued through, at least, February of 1996. Respondent's claim that he became S.K.'s therapist in an emergency situation and that no one else was available to help her is self-serving and egocentric. There were county services available to S.K. especially if it was an emergency as claimed by respondent. Respondent lost his clinical objectivity concerning S.K. and became an advocate for her in her custody dispute.

15. Respondent's new role as an expert consultant to S.K.'s attorney, Mr. Sanders, is further described in respondent's letter to Frank Frisch (attorney for M.K.), dated October 22, 1996. In his correspondence, respondent stated that, "no one has requested that I testify as a witness in the action with the [K.] matter. No one has informed me that they intend to call me as a witness in the [K.] matter. Since testifying in 1993, my contact with the [K.] matter has been limited to forensic assistance rendered to Robert Sanders and to psychotherapeutic treatment rendered to [S.K.], unrelated to my previous role."

16. In a subsequent deposition, taken on September 13 and 15, 1996, as well as during her open court testimony of September 24, 1996, Dr. Coad expressed her

opinion that the minor child L. had not been sexually molested by her father as alleged by her mother. In addition, Dr. Coad recommended that primary physical custody of the child be placed with the father and that the mother have very detailed visitation rights. In the course of her deposition testimony, Dr. Coad discovered that respondent had delivered her raw testing data on the Rorschach test to the attorney for S.K., despite the fact that S.K.'s attorney was not a trained psychologist and that there was no lawful order entitling S.K.'s attorney to have the raw testing data.

17. On May 16, 1997, following the various court appearances by the parties beginning in September of 1996, the Court entered an order that Dr. Coad could not be a witness in the matter, and that her prior testimony and reports, and each of them, would not be considered. Thus, all of the psychological evaluations, including those of Dr. Westfall and respondent, and except one prepared by Dr. Schaefer several years earlier, were excluded from evidence. Thereafter, on September 19, 1997, and again on October 26, 1998, the Court awarded joint legal and physical custody of L. to the parties and appointed a special master, Richard C. Mays, Ph.D., to have detailed "special authority" to make certain joint and legal custody decision relating to the health and welfare of the minor child.

18. Respondent was grossly negligent in his actions regarding the K. family litigation. Respondent engaged in multiple professional roles with the K. family. He was initially retained as a consultant to perform psychological testing of both the mother and the father. The results of the testing were to be reported to the court appointed child custody evaluator, Dr. Westfall. Following the trial in the K. matter, respondent also acted as a professional therapist for S.K., the mother. Subsequent to this, respondent was retained by S.K.'s attorney to act as a forensic expert on behalf of the mother. The nature of a therapeutic relationship, especially one that has developed over time and is meaningful, could and did preclude that respondent view the data in a neutral and unbiased manner. It is also probable that respondent's decision to be engaged in this last role influenced the therapeutic process and also could have had negative consequences on his client, S.K. Respondent's claim that the therapeutic relationship had ended long before he took on the role of forensic consultant is not supported by the facts. Respondent's participation in three professional roles with this family constitutes an extreme departure from the standard of practice of psychology and also violated Ethical Principles of Psychologists, Code of Conduct.

19. Dr. Coad and Dr. Schaefer attempted, as colleagues, to intervene with respondent, requesting that respondent withdraw from the K. family litigation. Respondent never acknowledged these communications or altered his course of conduct. While respondent did not have any respect for Dr. Coad's opinions, that is not the case with Dr. Schaefer. He should have taken Dr. Schaefer's concerns seriously. Respondent claims to have consulted the American Psychological Association on this matter. However, he did so without an open mind about the matter and constructed his question to get the answer he wanted. This matter is considered in aggravation.

20. Respondent was responsible for unprofessional conduct for the willful, unauthorized communication of information received in professional confidence in his actions regarding the K. family litigation. On at least one occasion respondent released raw psychological testing data to attorneys for both S.K. and M.K. without a release and/or a court order. These individuals are not qualified psychologists who would be able to appropriately interpret the results of the psychological testing. The release of the psychological testing data to unqualified persons is an extreme departure from the appropriate standard of care, since there was no court order authorizing respondent to release the information when he did so. The release of this raw psychological data also violated the law as well as ethical principles.

21. Respondent committed unprofessional conduct for forwarding an unsolicited and unauthorized letter, dated March 3, 1993, to the Contra Costa County Superior Court in which he made a child custody recommendation. He had not conducted a child custody evaluation, having been engaged solely for the purpose of conducting psychological testing of the parties for the use of the court appointed evaluator, psychiatrist Dr. Westfall. The submission of this unsolicited and unauthorized letter to the Court represents a departure from the standard of care expected of California licensed psychologists and is also in violation of ethical principles.

22. Respondent committed unprofessional conduct for making deliberate misrepresentations, both by commission and omission, in his actions regarding the K. family litigation and subsequent Medical Board of California investigation. At various times, respondent refers to himself as being the "neutral court-appointed child custody evaluator." He did this in a letter to the Medical Board of California dated June 28, 1997, at a time when this matter was under investigation and when he knew or should have known that in truth and in fact he had never been appointed or asked to serve in that capacity. By this time respondent was no longer merely negligent when he misrepresented his status.

23. Further, in a declaration respondent signed on June 21, 1996, and which was filed with the Contra Costa County Superior Court, respondent represented that in connection with the litigation that he had been requested by the Court's earliest appointed child custody evaluator to give projective tests, to interview both parents and the minor child and to render opinions therefrom. However, respondent failed to advise the Court that he had taken on the additional role of private psychotherapist for S.K., thereby deliberately omitting and failing to advise the Court of a significant, professional therapeutic relationship in which he had engaged. Respondent testified that he thought it was none of the Court's business. However, it was clearly a piece of information the Court should have had to effectively evaluate the objectivity of respondent's request. The submission of a deliberately misleading declaration which omits a significant professional therapeutic relationship with one of the parties, as well as the deliberate misrepresentation in his letter to the Medical Board represent departures from the

standard of care expected of a licensed psychologist in violation of the law and ethical principles.

24. Respondent's expert, Dr. Donner was not persuasive. He was not a child custody evaluator before 1996. His opinions were based on respondent's version of the facts, which were not credible. Respondent's testimony was not consistent with the documentary evidence.

25. Respondent committed negligent acts on repeated occasions. He negligently characterized his role in the original child custody litigation and negligently handled the raw data that he collected when he originally tested S.K. and M.K.

26. Costs are allowed in the amount of \$5,640.61 as established by the Certification of Costs of Investigation and Enforcement.

27. Respondent was in practice from 1977 until 2000. He received his Ph.D. from California School of Professional Psychology - San Francisco in 1975. He graduated from the Psychoanalytic Institute of Northern California in 1997. He is affiliated with the McAuley Behavioral Health Center at St. Mary's Medical Center in San Francisco, California, both as a consultant and clinical supervisor. Respondent had been practicing psychology for almost 25 years with this matter the only one that has led to disciplinary action.

28. Respondent has not taken responsibility for his action. He submitted little in the way of extenuation, mitigation or rehabilitation. He claims to have found a class to take on boundaries, but could not take it because the date of this hearing interfered. Finding classes to take, but not taking them is not rehabilitation.

LEGAL CONCLUSIONS

1. By reason of the matters set forth in Findings 3 through 18, cause for disciplinary action exists pursuant to Business and Professions Code section 2960(j) for being grossly negligent in the practice of psychology.

2. By reason of the matters set forth in Findings 3 through 17 and 20, cause for disciplinary action exists pursuant to Business and Professions Code section 2960(h), for the willful, unauthorized communication of information received in professional confidence; Business and Professions Code section 2960(j) for being grossly negligent in the practice of psychology; and Title 16, California Code of Regulations 1396.3 for violating test security.

3. By reason of the matters set forth in Findings 3 through 17, 22 and 23, cause for disciplinary action exists pursuant to Business and Professions Code section

2960(i) and Title 16, California Code of Regulations section 1396.2 for misrepresenting himself to the Court and the Medical Board.

4. By reason of the matters set forth in Findings 3 through 17, 21, 23, and 25, cause for disciplinary action exists pursuant to Business and Professions Code section 2960(r) for engaging in repeated negligent acts.

5. By reason of the matters set forth in Finding 26, reasonable costs in the amount of \$5,640.01 are allowed pursuant to Business and Professions Code section 125.3.

6. The matters set forth in Findings 19, 27 and 28 have been considered in making the following order.

ORDER

License number PSY 5217 issued to respondent John Spencer Stone, Ph.D., is hereby revoked; however, the revocation is stayed for a period of five (5) years upon the following terms and conditions:

1. Actual Suspension: Respondent shall be actually suspended for a period of 10 days, beginning 30 days after the effective date of this decision.
2. Practice Monitor: Within 90 days of the effective date of this Decision, respondent shall submit to the Board of its designee for prior approval, the name and qualifications of a psychologist who has agreed to serve as a practice monitor. The monitor shall be a California-licensed psychologist with a clear and current license; have no prior business, professional, personal or other relationship with respondent; and not be the same person as the respondent's therapist. The monitor's education and experience shall be in the same field of practice as that of the respondent. Once approved, the monitor shall submit to the Board or its designee a plan by which respondent's practice shall be monitored. Monitoring shall consist of at least one hour per week of individual face-to-face meetings and shall continue during the entire probationary period. The respondent shall provide the monitor with a copy of this Decision and access to respondent's patient records. Respondent shall obtain any necessary patient releases to enable the monitor to review records and to make direct contact with patients. Respondent shall execute a release authorizing the monitor to divulge any information that the Board may request. It shall be respondent's responsibility to assure that the monitor submits written reports to the Board or its designee on a quarterly basis verifying that monitoring has taken place and providing an evaluation of respondent's performance. Respondent shall notify all current and potential patients of any term or

condition of probation, which will affect their therapy or the confidentiality of their records (such as this condition, which requires a practice monitor). Such notifications shall be signed by each patient prior to continuing or commencing treatment. If the monitor quits or is otherwise no longer available, respondent shall obtain approval from the Board for a new monitor within 30 days. If no new monitor is approved within 30 days, respondent shall not practice until a new monitor has been approved by the Board or its designee. During this period of non-practice, probation will be tolled and any period of non-practice shall not apply to the reduction of this probationary period. Respondent shall pay all costs associated with this monitoring requirement. Failure to pay these costs shall be considered a violation of probation.

3. Education Review: Respondent shall submit to an educational review concerning the circumstances that resulted in this administrative action. The educational review shall be conducted by a board-appointed expert case reviewer and/or Board designee familiar with this case. Educational reviews are informational only and intended to benefit respondent's practice by preventing future such complaints. Respondent shall pay all costs associated with this educational review.
4. Coursework: Respondent shall take and successfully complete not less than 18 hours additional coursework each year of probation. Coursework must be preapproved by the Board or its designee. All coursework shall be taken at the graduate level at an accredited educational institution or by an approved continuing education provider. Classroom attendance is specifically required; correspondence or home study coursework shall not count toward meeting this requirement. The coursework must be in addition to any continuing education courses that may be required for license renewal. Within 90 days of the effective date of this Decision, respondent shall submit to the Board or its designee for its prior approval a plan for meeting the educational requirements. All costs of the coursework shall be paid by the respondent.
5. Ethics Course: Within 90 days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval a course in laws and ethics as they relate to the practice of psychology, including but not limited to multiple relations and role clarification. Said course must be successfully completed at an accredited educational institution or through a provider approved by the Board's accreditation agency for continuing education credit. Said course must be taken and completed within one year from the effective date of this Decision. The cost associated with the law and ethics course shall be paid by the respondent.

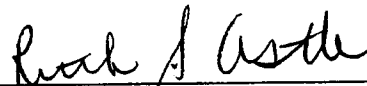
6. Investigation/Enforcement Cost Recovery: Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$5,640.61 within the first year of probation. Such costs shall be payable to the Board of Psychology. Failure to pay such costs shall be considered a violation of probation. The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to repay investigation and enforcement costs.
7. Probation Costs: Respondent shall pay the costs associated with probation monitoring each and every year of probation. Such costs shall be payable to the Board of Psychology at the end of each fiscal year (July 1- June 30). Failure to pay such costs shall be considered a violation of probation.
8. Obey All Laws: Respondent shall obey all federal, state, and local laws and all regulations governing the practice of psychology in California including the ethical guidelines of the American Psychological Association. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board of its designee in writing within seventy-two (72) hours of occurrence.
9. Quarterly Reports: Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board or its designee, stating whether there has been compliance with all the conditions of probation.
10. Probation Compliance: Respondent shall comply with the Board's probation program and shall, upon reasonable notice, report to the assigned District Office of the Medical Board of California or other designated probation monitor. Respondent shall contact the assigned probation officer regarding any questions specific to the probation order. Respondent shall not have any unsolicited or unapproved contact with complainants associated with the case; Board members or members of its staff; or persons serving the Board as expert evaluators.
11. Interview with Board or its Designee: Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.
12. Change of Employment: Respondent shall notify the Board in writing, through the assigned probation officer, of any and all changes of employment, location and address within 30 days of such change.
13. Tolling for Out-Of-State Practice Residence of In-State Non-Practice: In the event respondent should leave California to reside or to practice outside

the State or for any reason should respondent stop practicing psychology in California, respondent shall notify the Board or its designee in writing within ten days of the dates of departure and return or the dates of non-practice within California. Non-practice is defined as any period of time exceeding thirty days in which respondent is not engaging in any activities defined in sections 2902 and 2903 of the Business and Professions Code. Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of his probationary period, although the Board may allow respondent to complete certain terms of probation that are not associated with active practice.

14. Employment and Supervision of Trainees: If respondent is licensed as a psychologist, he shall not employ or supervise or apply to employ or supervise psychological assistants, interns or trainees during the course of this probation. Any such supervisorial relationship in existence on the effective date of this probation shall be terminated by respondent and/or the Board.
15. Violation of Probation: If respondent violates probation in any respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final. No petition for Modification or Termination of Probation shall be considered while there is an Accusation or Petition to Revoke Probation pending against respondent.
16. Completion of Probation: Upon successful completion of probation, respondent's license shall be fully restored.

DATED: _____

6/4/01



RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation Filed
Against:

John Spencer Stone, Ph.D.

No. : W177

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

John Spencer Stone, Ph.D.
2305 Ashby Avenue
Berkeley, CA 94705-1909

7099 3400 0002 4471 5241

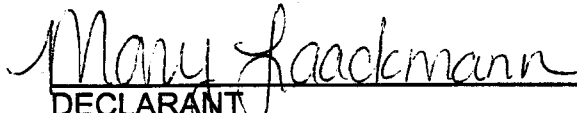
Robert W. Stewart, Attorney at Law
21 Tamal Vista Blvd., Ste. 295
Corte Madera, CA 94925

Ruth S. Astle, ALJ
Office of Administrative Hearings
1515 Clay St., Ste. 206
Oakland, CA 94612

Lawrence A. Mercer
Deputy Attorney General
455 Golden Gate Ave., Ste. 11000
San Francisco, CA 94102

Each said envelope was then on, July 11, 2001, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, July 11, 2001, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst

#B

1 BILL LOCKYER, Attorney General
of the State of California
2 LAWRENCE A. MERCER, State Bar No. 111898
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3 455 Golden Gate Avenue, Ste. 11000
San Francisco, California 94102
4 Telephone: (415) 703-5539
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5 Attorneys for Complainant
6

7
8 BEFORE THE
BOARD OF PSYCHOLOGY
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation)
Against:) No. W177
12)
JOHN SPENCER STONE, Ph.D.) ACCUSATION
13 2305 Ashby Avenue)
Berkeley, California 94705-1909)
14 License No. PSY 5217)
15 Respondent.)
16

17 Complainant, THOMAS S. O'CONNOR, alleges that:

18 1. He is the Executive Officer of the Board of
19 Psychology, of the State of California (hereinafter the "Board")
20 and makes and files this accusation solely in his official
21 capacity.

22 LICENSING HISTORY

23 2. On or about December 1, 1977, respondent, John
24 Spencer Stone, Ph.D. was issued license No. PSY 5217 to practice
25 psychology. Said license is presently in good standing and in
26 effect until its expiration on January 31, 2000. Said license
27 history includes the fact that this individual held registration

1 as a psychological assistant prior to becoming licensed as a
2 psychologist. The license has not been subject to any prior
3 disciplinary action.

4 3. The conduct of respondent as hereafter alleged
5 occurred while respondent held License No. PSY 5217.

6 STATUTES

7 4. Section 2960 of the Business and Professions Code
8 (hereinafter the "Code") states that the Board may suspend or
9 revoke the professional license of a licensee who has been guilty
10 of unprofessional conduct or has violated any rule promulgated by
11 the Board and set forth in the Board's regulations.

12 5. Section 2960(h) of the Code states that the Board
13 may suspend or revoke the license of a licensee for the willful,
14 unauthorized communication of information received in
15 professional confidence.

16 6. Section 2960(i) of the Code states that the Board
17 may suspend or revoke the license of a licensee for violating any
18 rule of professional conduct promulgated by the Board and set
19 forth in regulations duly adopted under this Chapter.

20 7. Section 2960(j) of the Code states that the Board
21 may suspend or revoke the license of a licensee for being grossly
22 negligent in the practice of psychology.

23 8. Section 2960(k) of the code states that the Board
24 may suspend of revoke the license of a licensee for violating any
25 of the provisions of the chapter or regulations duly adopted
26 thereunder.

27 9. Section 125.3 of the code states, in pertinent

1 part, that in any order issued in resolution of a disciplinary
2 proceeding before any board within the Department of Consumer
3 Affairs, the board may request the administrative law judge to
4 direct a licentiate found to have committed a violation or
5 violations of the licensing act to pay a sum not to exceed the
6 reasonable costs of the investigation and enforcement of the
7 case.

8 10. Section 2964.6 of the code states that an
9 administrative decision that imposes terms of probation may
10 include, among other things, a requirement that the licensee who
11 is being placed on probation pay the monetary costs associated
12 with monitoring probation.

13 REGULATIONS

14 11. Title 16 of the California Code of Regulations
15 (CCR) (formerly known as the California Administrative Code),
16 section 1396.2 regarding **Misrepresentation** states, in pertinent
17 part, that "A psychologist shall not misrepresent nor permit the
18 misrepresentation of his or her professional qualifications,
19 affiliations, or purposes, or those of the institutions,
20 organizations, products and/or services with which he or she is
21 associated."

22 12. Title 16 of the California Code of Regulations
23 section 1396.3 regarding **Test Security** states, in pertinent part,
24 that "A psychologist shall not reproduce or describe in public or
25 in publications subject to general public distribution any
26 psychological tests or other assessment devices, the value of
27 which depends in whole or in part on the naivete of the subject,

1 in ways that might invalidate the techniques; and shall limit
2 access to such tests or devices to persons with professional
3 interests who will safeguard their use."

4 PROFESSIONAL GUIDELINES

5 13. Specialty Guidelines for Forensic Psychologists,
6 American Psychological Association, Division 41, 1991, published
7 in Law and Human Behavior provide, in pertinent part, as follows:

8
9 Section IV D(1) of the Specialty Guidelines for Forensic
10 Psychologists states, in part, "*Forensic psychologists avoid*
11 *performing professional services to parties in a legal*
12 *proceeding with whom they have professional relationships*
13 *that are inconsistent with the anticipated relationship.*"

14
15 Section IV E of the Specialty Guidelines states, in part,
16 "*Forensic psychologists have an obligation to ensure that*
17 *prospective clients are informed of their legal rights with*
18 *respect to anticipated forensic service, of the purpose of*
19 *any evaluation, of the nature of the procedures to be*
20 *employed, of the intended uses of any product of their*
21 *services.*"

22
23 Section VII A(2) of the Specialty Guidelines for Forensic
24 Psychologists states, in part, "*When required to disclose*
25 *results to a non-psychologist, every attempt is made to*
26 *ensure that test security is maintained and access to*
27 *information is restricted to individuals with a legitimate*

1 and professional interest in that data. Other qualified
2 mental health professionals who make a request for
3 information pursuant to a lawful order are by definition
4 "Individuals with a legitimate and professional interest."

5 14. Ethical Principles of Psychologists and Code of
6 Conduct, American Psychological Association, December 1992,
7 published in the American Psychologist provide, in pertinent
8 part, as follows:

9 Section 1.17(a) of the APA Ethical Principles discussing
10 "Multiple Relationships" states, in part, "Psychologists
11 must always be sensitive to the potential harmful effects of
12 other contacts on their work and on those persons with whom
13 they deal. A psychologist refrains from entering into or
14 promising another personal, scientific, professional,
15 financial or other relationship with such persons if it
16 appears likely that such a relationship reasonably might
17 impair the psychologist's objectivity or otherwise
18 interferes with the psychologist's effectively performing
19 his or her functions as a psychologist, or might harm or
20 exploit the other party."

21
22 "b) Likewise, whenever feasible, a psychologist
23 refrains from taking on professional or scientific
24 obligations when preexisting relationships would create a
25 risk of such harm."

26
27 Section 2.02(b) of the APA Ethical Principles discussing

1 "Competence and Appropriate Use of Assessments and
2 Interventions" states, in part, "Psychologists refrain from
3 misuse of assessment techniques, interventions, results, and
4 interpretations and take reasonable steps to prevent others
5 from misusing the information these techniques provide.
6 This includes refraining from releasing raw test results or
7 raw data to persons, other than to patients or clients as
8 appropriate, who are not qualified to use such information."
9

10 Section 2.07 of the APA Ethical Principles states, in
11 discussing "Obsolete Tests and Outdated Test Results", as
12 follows:

13 "(a) Psychologists do not base their assessment or
14 intervention decisions or recommendations on data or test
15 results that are outdated for the current purpose.

16 (b) Similarly, psychologists do not base such decisions or
17 recommendations on tests and measures that are obsolete and
18 not useful for the current purpose."
19

20 Section 3.03 of the APA Ethical Principles, discussing
21 "Avoidance of False or Deceptive Statements" states, in
22 part, "Psychologists do not make public statements that are
23 false, deceptive, misleading or fraudulent, either because
24 of what they state, convey, or suggest or because of what
25 they omit, concerning their research, practice, or other
26 work activities or those of persons or organizations with
27 which they are affiliated."

1 Section 4.03 of the APA Ethical Principles, discussing
2 "Couple and Family Relationships", states, in part, "(b) As
3 soon as it becomes apparent that the psychologist may be
4 called on to perform potentially conflicting roles (such as
5 marital counselor to husband and wife, and then witness for
6 one party in a divorce proceeding), the psychologist
7 attempts to clarify and adjust, or withdraw from, roles
8 appropriately."
9

10 Section 7.03 of the APA Ethical Principles, discussing
11 "Clarification of Role", states, in part, "In most
12 circumstances, psychologists avoid performing multiple and
13 potentially conflicting roles in forensic matters. When
14 psychologists may be called on to serve in more than one
15 role in a legal proceeding—for example, as consultant or
16 expert for one party or for the court and as a fact
17 witness—they clarify role expectations and the extent of
18 confidentiality in advance to the extent feasible, and
19 thereafter as changes occur, in order to avoid compromising
20 their professional judgment and objectivity and in order to
21 avoid misleading others regarding their role."
22

23 Section 7.05 of the Ethical Principles, discussing "Prior
24 Relationships", states, in pertinent part, "A prior
25 professional relationship with a party does not preclude
26 psychologists from testifying as fact witnesses or from
27 testifying to their services to the extent permitted by

1 applicable law. Psychologists appropriately take into
2 account ways in which the prior relationship might affect
3 their professional objectivity or opinions and disclose the
4 potential conflict to the relevant parties."

5 STATEMENT OF FACTS

6 15. On or about September 10, 1992, psychiatrist
7 Robert Westfall, M.D. was appointed by the Contra Costa County
8 Superior Court as a child custody evaluator pursuant to Section
9 730 of the California Evidence Code. [Section 730 of the Evidence
10 Code allows a Court, on its own motion or that of a party, to
11 appoint one or more experts to investigate, to render a report as
12 may be ordered and to testify at trial.] The child custody
13 dispute involved petitioner M.K. and respondent S.K.^{1/}

14 The parties had one child, L., a female child who was
15 born on April 22, 1992. Thus, L., was an infant, less than a year
16 old, at the time of the initiation of the child custody
17 evaluation by psychiatrist, Dr. Westfall.

18 16. Dr. Westfall, a psychiatrist, did not typically
19 perform psychological testing and assessment. Accordingly, Dr.
20 Westfall retained the services of respondent for the purpose of
21 providing psychological testing to Mr. and Ms. K. Respondent
22 conducted psychological testing of both parties and the
23 psychological assessments of both the mother and father occurred
24 in or before November of 1992.

25 17. Dr. Westfall submitted a report to the Contra
26

27 1. Initials are used to identify patients to protect
privacy, and all full names will be disclosed to respondent upon
receipt of a Request for Discovery.

1 Costa Superior Court, dated December 22, 1992. In this report,
2 Dr. Westfall indicated that he performed an examination of the
3 mother on September 10, 1992 and an evaluation of the father on
4 September 23, 1992.

5 In Dr. Westfall's report to the court, he included his
6 impressions of the psychological testing results which were
7 submitted to him by respondent. Dr. Westfall recommended physical
8 custody of the child be with the mother, with visitations between
9 the child and father to occur three days a week, for several
10 hours each day.

11 18. On February 11, 1993 the Court wrote to Dr.
12 Westfall asking that he amplify on two areas of his report. The
13 Court requested more historical facts, including "the current
14 allegations of the parties", and Dr. Westfall's assessment of the
15 effect of respondent's test findings on the issue of child
16 custody/visitation.

17 19. On March 3, 1993, respondent submitted his own,
18 unsolicited report to the Contra Costa Superior Court. The
19 submission of this separate report was neither requested nor
20 authorized by the Court. In his report, respondent indicated that
21 he was the psychologist "appointed" to perform psychological
22 evaluations in the matter. In fact, however, his role was limited
23 to that of a consultant to the court appointed child custody
24 evaluator, Dr. Westfall.

25 In his report, respondent advised the Court that he and
26 Ms. K.'s attorney, Robert Sanders, had already gone over the
27 psychological test findings together. At some time, the exact

1 date being uncertain, but prior to respondent's March 3, 1993
2 report to the Court, Mr. K. telephoned respondent, advising him
3 that he was angry at both Dr. Westfall and respondent in regards
4 to what was written in Dr. Westfall's December 22, 1992 report.
5 Thus, respondent submitted his unsolicited report to the Contra
6 Costa Superior Court some time after he received this telephone
7 communication from Mr. K.

8 In respondent's report to the Court, he quoted from the
9 computerized version of the MCMI-II, (Millon Clinical Multiaxial
10 Inventory-II), which is a standardized personality assessment
11 protocol that provides a measure of 22 personality disorders and
12 clinical syndromes for adults undergoing psychological or
13 psychiatric assessment or treatment. Respondent quoted
14 extensively from Mr. K's test results, although he did not
15 include much information from Ms. K's test findings. Respondent
16 went on to recommend legal custody of the infant be awarded to
17 the mother, based partly upon a questionable theory of child
18 development, that respondent describes in the following manner;
19 *"At this age, the infant is actually a part of the mother-infant,*
20 *a singularity that eventually divides into two separate parts, a*
21 *mother and an infant."*

22 20. The legal custody dispute proceeded to non jury
23 trial in the Contra Costa Superior Court beginning in late July
24 of 1993. Prior to trial, on or about June 29, 1993, Dr. Westfall
25 submitted a supplemental report requested by the Court in it's
26 letter to him dated February 11, 1993. In this supplemental
27 report to the Court, Dr. Westfall opines that the child, "L.

1 should be in her mother's custody with regular visitation rights
2 by the father."

3 At the trial, respondent testified as an expert
4 witness, called by the attorney representing Ms. K.

5 In said litigation, Mr. K's attorney was Frank Frisch.
6 Mr. Frisch had retained a psychologist, Alexander Rodney Nurse,
7 Ph.D., to review and evaluate the methodologies and procedures of
8 both Dr. Westfall's and respondent's reports to the Court. Dr.
9 Nurse rendered a number of criticisms of both Dr. Westfall's and
10 respondent's work in the matter. These concerns and the critique
11 by Dr. Nurse is contained in a report, dated June 22, 1993, and
12 Dr. Nurse also testified during the trial in the child custody
13 dispute on August 2, 1993.

14 21. On September 3, 1993, the Superior Court ordered
15 that the parties would have joint legal and physical custody of
16 the infant, L., with a review of the Order to occur in six (6)
17 months. The parties were directed to engage in a six month
18 course of counseling with Milton P. Schaefer, Ph.D., to re-
19 evaluate the family members and to provide recommendations for a
20 custody and parenting plan. The Court explained its reasoning for
21 its Order as follows, "...from the evidence presented that the
22 parties hereto are (at least at the moment) marginal parents who
23 are so thoroughly invested in their custody dispute that there is
24 little else of consequence in their lives. The overwhelming need
25 of each for victory in this litigation is so great that the
26 credibility of each is virtually nonexistent. On matters that
27 relate to custody each appears close to delusional. Each appears

1 to have reached the point in his/her mind that it is necessary to
2 abandon truth to attain justice (as he/she sees it)." Finally,
3 the Court went on to say, "The evidence and opinions based on
4 psychological testing is mixed, conflicting and not of much help
5 to the Court."

6 22. On May 19, 1994 the Court Ordered that the custody
7 hearing be re-opened for the sole purpose of taking evidence from
8 an additional custody evaluator. The Court then appointed **Milton**
9 **P. Schaefer, Ph.D.**, who had previously been assigned to provide
10 counseling to the parties, as the Court's expert to evaluate and
11 render a recommendation on the custody/visitation issues. The
12 Court further ordered that Dr. Schaefer submit a written report
13 to the Court and counsel and that counsel not communicate orally
14 or in writing with Dr. Schaefer. On or about September 25, 1994,
15
16 after evaluating the family, Dr. Schaefer recommended joint
17 custody of L. In his report, Dr. Schaefer mentioned a "stress"
18 reaction by the child, fondling herself.

19 23. On or about April 19, 1995, Ms. K. made an
20 allegation that Mr. K. had sexually molested L., who was
21 approximately 3 years of age at that time.

22 Thereafter, on or about September 21, 1995 the Superior
23 Court appointed **Victoria Coad, Ph.D.**, to investigate and evaluate
24 the sexual abuse allegations regarding the minor child of the
25 parties. After interviewing the parties, securing and reading
26 all of the previously prepared reports and an extension of time
27 to secure additional documents, Dr. Coad submitted her report to

1 the Court and the parties on January 2, 1996.

2 24. On or about June 21, 1996, respondent signed a
3 Declaration In Support of [Ms. K.'s attorney's] Motion For
4 Protective Orders and Particularly, Setting Forth the Need for
5 the Psychological Data, advising the Court, *inter alia*, that he
6 had been requested by Ms. K.'s attorney to testify in the
7 upcoming trial. Aside from criticizing the opinion and
8 objectivity of Dr. Coad, respondent requested that the Court
9 order that the "raw psychological data" gathered by Dr. Coad in
10 the course of her evaluations be produced for his review so that
11 he could substantiate or dispute the conclusions and opinions she
12 reached. After describing his role in the matter as being in
13 conjunction with the earliest appointed child custody evaluator
14 and extolling the need for "...the examining evaluator [to]
15 remain disciplined and objective in order to lead to reasonable
16 conclusions", there is no mention in the Declaration by
17 respondent that he had already assumed another role, that of
18 primary psychotherapeutic responsibility for the care and
19 treatment of Ms. K. In approximately September of 1995,
20 respondent became Ms. K.'s personal psychotherapist and said
21 psychotherapy with Ms. K. continued through, at least, February
22 of 1996.

23 Respondent's new role as an expert consultant to Mr.
24 Sanders, Ms. K.'s attorney, is further described in respondent's
25 letter to Mr. K's attorney, Frank Frisch, dated October 22, 1996.
26 In his correspondence, respondent stated that, "No one has
27 requested that I testify as a witness in the action with the [K.]

1 matter. No one has informed me that they intend to call me as a
2 witness in the [K.] matter. Since testifying in 1993, my contact
3 with the [K] matter has been limited to forensic assistance
4 rendered to Robert Sanders and to psychotherapeutic treatment
5 rendered to [Ms. K]., unrelated to my previous role."

6 25. In a subsequent Deposition, taken on September 13
7 and 15, 1996, as well as during her open Court testimony of
8 September 24, 1996, Dr. Coad expressed her opinion that the minor
9 child, L., had not been sexually molested by her father as
10 alleged by her mother. In addition, Dr. Coad recommended that
11 primary physical custody of the child be placed with the father
12 and that the mother have very detailed visitation rights.
13 Finally, based on her interviews of the parties and reports from
14 others, Dr. Coad concluded that Ms. K. had filed a false
15 allegation of child sexual molestation against the father.

16 26. On or about May 16, 1997, following the various
17 Court appearances by the parties beginning in September of 1996,
18 the Court entered an Order that Dr. Coad, could not be a witness
19 in the matter, and that her prior testimony and reports, and each
20 of them, would not be considered. Thus, all of the psychological
21 evaluations, including those of Dr. Westfall and respondent, and
22 except one prepared by Dr. Schaefer several years earlier, were
23 excluded from evidence.

24 Thereafter, on September 19, 1997 and again on October
25 26, 1998 the Court awarded joint legal and physical custody of L.
26 to the parties and appointed a Special Master, Richard C. Mays,
27 Ph.D., to have detailed "special authority" to make certain joint

1 and legal custody decision relating to the health and welfare of
2 the minor child.

3 FIRST CAUSE FOR DISCIPLINARY ACTION

4 (Gross Negligence)

5 27. The factual allegations of paragraphs 15 through
6 26 hereinabove are hereby incorporated by reference as if fully
7 set forth in these words.

8 28. Respondent is subject to disciplinary action for
9 unprofessional conduct under Section 2960(j) for being grossly
10 negligent in his actions regarding the K. family litigation.
11 Respondent engaged in multiple professional roles with the K.
12 family. He was initially retained as a consultant to perform
13 psychological testing of both the mother and father, the results
14 of which were to be incorporated in the evaluation of the court-
15 appointed child custody evaluator, Dr. Westfall. Following the
16 trial in the K. family matter, respondent also acted as a
17 professional therapist for Ms. K. Subsequent to this, respondent
18 was retained by the Ms. K.'s attorney, to act as a forensic
19 expert on behalf of the mother. The nature of a therapeutic
20 relationship, especially one that has developed over time and is
21 meaningful, could preclude that respondent view the data in a
22 neutral and unbiased manner. It is also possible that
23 respondent's decision to be engaged in this last role influenced
24 the therapeutic process and also could have had negative
25 consequences on his client, Ms. K. Respondent's participation in
26 three professional roles with this family constitutes an extreme
27 departure from the standard of practice of psychology and also

1 violated Sections 1.17 and 7.03 of the Ethical Principles of
2 Psychologists, Code of Conduct, APA, December 1992, published in
3 the American Psychologist, as well as Section IV D (1) of the
4 Specialty Guidelines for Forensic Psychologists, APA, Division
5 41, 1991, published in Law and Human Behavior.

6 **SECOND CAUSE FOR DISCIPLINARY ACTION**

7 (Gross Negligence & Willful, Unauthorized Communication)

8 29. The factual allegations of paragraphs 15 through
9 26 hereinabove are hereby incorporated by reference as if fully
10 set forth in these words.

11 30. Respondent is subject to disciplinary action for
12 unprofessional conduct under Section 2960, subsections (h), (j)
13 and (k) for the willful, unauthorized communication of
14 information received in professional confidence in his actions
15 regarding the K. family litigation. Respondent released raw
16 psychological testing data to attorneys for both Mr. and Ms. K.
17 These individuals are not qualified psychologists who would be
18 able to appropriately interpret the results of the psychological
19 testing. The release of the psychological testing data to
20 unqualified persons is an extreme departure from the appropriate
21 standard of care, since there was no court order authorizing
22 respondent to release such information when he did so. The
23 release of this raw psychological data also violated Title 16,
24 CCR, Section 1396.3 as well as Section 2.02 of the Ethical
25 Principles of Psychologists, Code of Conduct, APA, December 1992,
26 published in the American Psychologist, as well as Section VII A
27 (2) of the Specialty Guidelines for Forensic Psychologists, APA,

1 Division 41, 1991, published in Law and Human Behavior.

2
3 THIRD CAUSE FOR DISCIPLINARY ACTION

4 (General Unprofessional Conduct)

5 31. The factual allegations of paragraphs 15 through
6 26 hereinabove are hereby incorporated by reference as if fully
7 set forth in these words.

8 32. Respondent is subject to disciplinary action for
9 unprofessional conduct under Section 2960 for forwarding an
10 unsolicited and unauthorized letter, dated March 3, 1993, to the
11 Contra Costa County Superior Court in which he made a child
12 custody recommendation. He had not conducted a child custody
13 evaluation, having been engaged solely for the purpose of
14 conducting psychological testing of the parties for the use of
15 the court appointed evaluator, psychiatrist Dr. Westfall. The
16 submission of this unsolicited and unauthorized letter to the
17 Court represents a departure from the standard of care expected
18 of California licensed psychologists and is also in violation of
19 Section 7.03 of the Ethical Principles of Psychologists, Code of
20 Conduct, APA, December 1992, published in the American
21 Psychologist, as well as Section IV E of the Specialty Guidelines
22 for Forensic Psychologists, APA, Division 41, 1991, published in
23 Law and Human Behavior.

24 FOURTH CAUSE FOR DISCIPLINARY ACTION

25 (Misrepresentation)

26 33. The factual allegations of paragraphs 15 through
27 26 hereinabove are hereby incorporated by reference as if fully

1 set forth in these words.

2 34. Respondent is subject to disciplinary action for
3 unprofessional conduct under Section 2960(h) for making
4 deliberate misrepresentations, both by commission and omission,
5 in his actions regarding the K. family litigation and subsequent
6 Medical Board of California investigation.

7 At various times, respondent refers to himself as being
8 the *neutral court-appointed child custody evaluator*". He did
9 this in a letter to the Medical Board of California dated June
10 28, 1997, at a time when this matter was under investigation and
11 when he knew, in truth and in fact, that he had never been
12 appointed or asked to serve in said capacity. This assertion by
13 respondent that he was the "*neutral court-appointed child custody*
14 *evaluator*" was a deliberate misrepresentation of his role in this
15 matter.

16 Further, in a Declaration that he signed on June 21,
17 1996 and which was filed with the Contra Costa County Superior
18 Court, respondent represented that in connection with the
19 litigation that he had been requested by the Court's earliest
20 appointed child custody evaluator to give projective tests, to
21 interview both parents and the minor child and to render opinions
22 therefrom. However, respondent failed to advise the Court that
23 he had taken on the additional role of private psychotherapist
24 for Ms. K., thereby deliberately omitting and failing to advise
25 the Court of a significant, professional therapeutic relationship
26 that he had engaged in. The submission of a deliberately
27 misleading Declaration which omits a significant professional

1 therapeutic relationship with one of the parties, as well as the
2 deliberate misrepresentation in his letter to the Medical Board
3 represent departures from the standard of care expected of
4 California licensed psychologists in violation of Title 16, CCR,
5 Section 1396.2 as well as Section 3.03 of the Ethical Principles
6 of Psychologists, Code of Conduct, APA, December 1992, published
7 in the American Psychologist.

8 FIFTH CAUSE FOR DISCIPLINARY ACTION

9 (General Unprofessional Conduct)

10 35. The factual allegations of paragraphs 15 through
11 26 hereinabove are hereby incorporated by reference as if fully
12 set forth in these words.

13 36. Respondent is further subject to disciplinary
14 action for unprofessional conduct under Section 2960 in regards
15 to the methodology and scoring procedures for the Rorschach
16 Inkblot Test which he used in psychologically evaluating both Mr.
17 and Ms. K. In late 1992 he used a 1985 computerized version for
18 scoring the Rorschach, versus his using the more updated, 1990
19 computer version for scoring said test. This conduct of using an
20 obsolete scoring technique is in violation of Section 2.07 of the
21 Ethical Principles of Psychologists, Code of Conduct, APA,
22 December 1992, published in the American Psychologist.

23 WHEREFORE, complainant prays that:

- 24 1. A hearing be held and that thereafter the Board
25 suspend or revoke license No. PSY-5217, heretofore
26 issued to John Spencer Stone;
27 2. Ordering respondent to pay the Board the actual

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and reasonable costs of the investigation and
prosecution of this case and, if placed on
probation, the costs of probation monitoring; and
3. Taking such further action as the Board deems
necessary and proper.

DATED: November 30, 1999



THOMAS O'CONNOR
Executive Officer
Board of Psychology

Complainant